

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

EDDIE BROWN, ADC #146319

Plaintiff,

v.

DALE REED, Warden, Ouachita River Unit,
Arkansas Department of Correction;
et al.,

Defendants.

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No. 4:12-cv-00301-SWW-JJV

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

Regarding the remaining claims against Defendants Ford and Mitchell, it appears that venue properly lies in the Western District of Arkansas. 28 U.S.C. §1391(b). Accordingly, the Court finds that the interests of justice would best be served by transferring this case to the United States District Court for the Western District of Arkansas. 28 U.S.C. § 1406(a).¹

IT IS, THEREFORE, ORDERED that:

1. Defendants Reed, Hobbs, Naylor, Machan, and Roberson are DISMISSED from this cause of action for Plaintiff's failure to state a claim upon which relief may be granted.
2. Plaintiff's official capacity claims against all Defendants are DISMISSED.

¹"The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." *Id.*

3. Plaintiff's request for a temporary restraining order is DENIED.
4. Pursuant to 28 U.S.C. § 1406(a), this case is transferred to the United States District Court for the Western District of Arkansas. The Clerk of the Court is directed to immediately take all steps necessary to accomplish the transfer to the Western District of Arkansas.

DATED this 12th day of October, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT CHIEF JUDGE